

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALLEN BINSTOCK,)	
Regional Director of)	
Region 8 of the National)	
Labor Relations Board,)	
for and on behalf of the)	
NATIONAL LABOR RELATIONS BOARD)	Case Nos. 3:15-MC-71
)	3:16-MC-08
Applicant)	3:16-MC-09
)	
V.)	
)	
MIDWEST TERMINALS OF)	JUDGE HELMICK
TOLEDO INTERNATIONAL, INC.)	
)	
Respondent)	

VOLUNTARY DISMISSAL OF APPLICATION

Counsel for the Applicant, Allen Binstock, Regional Director of Region 8 of the National Labor Relations Board, respectfully moves for voluntary dismissal of these cases pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. In support thereof, the Applicant states as follows:

1. On December 11, 2015, the Applicant filed an Application for Order Enforcing Subpoena Duces Tecum in Civil Action No. 3:15-MC-71 under Section 11(2) of the National Labor Relations Act, as amended, 29 U.S.C. § 151 et seq., herein the Act.
2. On February 29, 2016, the Applicant filed an Application for Order Enforcing Subpoena Duces Tecum in Civil Action No. 3:16-MC-08 under Section 11(2) of the Act.

3. On February 29, 2016, the Applicant filed an Application for Order Enforcing Subpoenas Duces Tecum and Ad Testificandum in Civil Action No. 3:16-MC-09 under Section 11(2) of the Act.
4. Respondent provided documents responsive to the underlying subpoenas on June 29, 2016 and August 15, 2016. Respondent presented Alex Johnson on July 14, 2016 for his witness testimony pursuant to the subpoena ad testificandum and provided a signed Affidavit. Respondent presented Terry Leach on July 18, 2016 for his witness testimony but no signed Affidavit was received. Respondent electronically provided Terry Leach's Answers to Interrogatories on December 29, 2016 and provided Leach's original signature page to the Interrogatories on February 3, 2017.
5. Respondent presented Christopher Blakely on October 12, 2016 pursuant to the subpoenas duces tecum in Case Nos. 08-CA-152052, 08-CA-158778 and 08-CA-155327. Christopher Blakely's testimony was suspended after a conference call with the Court on October 12, 2016.
6. On January 30, 2016, the Regional Director approved the withdrawal of the underlying charge in Case No. 08-CA-155327 (Civil Action No. 3:16-MC-09).
7. The underlying charges in Case No. 08-CA-152052 (3:15-MC-71) and 08-CA-158778 (3:16-MC-08) are still pending investigation. Counsel for the Applicant issued additional investigative subpoenas ad testificandum and duces tecum to Christopher Blakely on November 2, 2016. Respondent filed a Petition to Revoke Investigative Subpoenas on November 10, 2016. On November 18, 2016, Counsel for the Applicant filed its Response in Opposition to the Petition to Revoke and

Referred the Petition to the Board. Enforcement of the newly issued investigative subpoenas is not before this Court.

8. As a result of the document production and witness testimony described above in paragraph 4 and withdrawal of the charge in paragraph 6, the Applicant seeks voluntary dismissal of the matters before this Court.
9. Respondent's Counsel was notified on February 22, 2017 of the Applicant's intent to file this voluntary motion for dismissal and has no objection.
10. Accordingly, the Applicant submits that its request for voluntary dismissal is proper and respectfully moves this Court to grant its Motion to Voluntarily Dismiss the Application.

Dated: March 1, 2017

Respectfully Submitted,

National Labor Relations Board
By: Richard E. Griffin, Jr., General Counsel
Allen Binstock, Regional Director
Iva Choe, Regional Attorney

Attorneys for Applicant

/s/ Jun S. Bang

Jun S. Bang, Esq. (#73503)

Jun.Bang@nlrb.gov

Gregory M. Gleine, Esq. (#72468)

Gregory.Gleine@nlrb.gov

Susan Fernandez, Esq. (#38726)

Susan.Fernandez@nlrb.gov

NATIONAL LABOR RELATIONS BOARD REGION 8

1240 East 9th Street-Room 1695

Cleveland, OH 44199-2086

Ph: (216) 303-7361

Fax: (216) 522-2418

Certificate of Service

I hereby certify that on March 1, 2017, the foregoing was filed with the Clerk of the Court using the CM/ECF system. The CM/ECF system will serve notice of filing upon all parties registered to receive service via this system.

Attorney for Applicant

/s/ Jun S. Bang

Jun S. Bang, Esq. (#73503)

Jun.Bang@nlrb.gov

NATIONAL LABOR RELATIONS BOARD REGION 8

1240 East 9th Street-Room 1695

Cleveland, OH 44199-2086

Ph: (216) 303-7361

Fax: (216) 522-2418